

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DENNIS RAY WILSON, #02181846

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:20cv848

MEMORANDUM OPINION AND ORDER

Pro se Petitioner Dennis Ray Wilson, an inmate confined in the Texas prison system, filed a post-judgment motion for reduction of sentence. (Dkt. #15).

On February 9, 2018, Petitioner pled guilty to continuous sexual abuse of a child under fourteen and was sentenced to twenty-five years' confinement in Cause No. 366-82360-2017. Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. #1). On January 26, 2021, the Court dismissed the petition without prejudice for failure to exhaust state remedies. (Dkt. ##11, 12).

Petitioner now seeks a sentence reduction under 18 U.S.C. § 3582(c). That statute permits the sentencing court to “reduce [a] term of imprisonment” of inmates in federal custody after the inmate has “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf.” 18 U.S.C. § 3582(c)(1)(A). The federal statute permitting compassionate releases, 18 U.S.C. § 3582(c)(1), applies to federal sentences and not state sentences. *See* 18 U.S.C. § 3582; *Duran v. Dir., TDCJ-CID*, No. 4:21CV653, 2021 WL 6425562, at *1 n.2 (E.D. Tex. Dec. 1, 2021), *report and recommendation adopted*, No. 4:21CV653, 2022 WL 107588 (E.D. Tex. Jan. 11, 2022); *White v. Wells*, No. 5:16-HC-2188-BO, 2018 WL 1570807, at *2 (E.D.N.C. Mar. 30, 2018); *Carter v. Pate*, No. 8:10-525-HMH-BHH, 2010 WL 1643286, at *3 (D.S.C. Apr. 22, 2010), *appeal dismissed*, 420 Fed. App’x 294 (4th Cir. 2011). Petitioner is not a federal prisoner; he is in state custody serving a state, and not a federal,

sentence, and this Court did not impose his sentence. Therefore, this Court does not have authority to alter his state sentence under § 3582. *See Franco-Monserrate v. United States*, No. 22-3161-JWL, 2022 WL 3139020, at *1 (D. Kan. Aug. 5, 2022); *Williams v. Keiser*, No. 17-CV-1040, 2020 WL 2028256, at *2 (W.D.N.Y. Apr. 28, 2020).

It is accordingly **ORDERED** that Petitioner's motion for reduction of sentence (Dkt. #15) is **DENIED**. Likewise, Petitioner's motion for the appointment of counsel (Dkt. #16) is **DENIED**. Any other motions by either party not previously ruled upon are **DENIED**.

IT IS SO ORDERED.

SIGNED this 16th day of January, 2025.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE